IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

RP.No. 216 of 2007(F)

AGAINST THE JUDGEMENT WPC.1313/2007 Dated 12/01/2007

REVIEW PETITIONERS:

1. K.A. RAMAN, KARUKAPPILLIL HOUSE, HOSTEL JUNCTION, MUVATTUPUZHA P.O., ERNAKULAM DISTRICT.

2. K.R. REMANI, KARUKAPPILLIL HOUSE, HOSTEL JUNCTION, MUVATTUPUZHA P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.V.P.SUKUMAR
SRI.KURYAN THOMAS

RESPONDENTS:

1. THE SALES TAX OFFICER, MUVATTUPUZHA.

2. THE TAHSILDAR, TALUK OFFICE, MUVATTUPUZHA.

3. C.Y.MUHAMMAD, CHENNAT HOUSE, MUVATTUPUZHA P.O., ERNAKULAM DISTRICT.

4. SMT.K.S. SHYLAJA, W/O.DIVAKARAN NAIR, CHOORAKKATT HOUSE, MUVATTUPUZHA P.O., ERNAKULAM DISTRICT.

5. THE STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

R1,R2 & R5 BY GOVT.PLEADER SRI C.K.GOVINDAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 28/02/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.R.RAMAN, J.

R.P.NO.216 OF 2007 in
W.P.(C).NO.1313 OF 2007

Dated this the 28th day of February, 2007

O R D E R

Petitioners seek to review of the judgment in W.P.(C).No.1313/2007, which was dismissed recording the submission of the learned counsel for the petitioners, who sought to withdraw the writ petition without prejudice to their right to seek appropriate remedies under the Revenue Recovery Act or to file a suit as the case may be. According to the petitioners, while dismissing the writ petition as withdrawn there was an observation that such withdrawal is to institute a suit after depositing the amount. According to them, even without making the deposit they have a right to institute the suit under Section 81 of the Revenue Recovery Act and the observation in the judgment may stand in the way of seeking such remedies.

2. Having heard both sides, it is clarified that since the writ petition was dismissed as withdrawn leaving open the right of the petitioners to seek appropriate remedies, if the petitioners are otherwise entitled to institute a suit without making any such deposit, the observation as made in the judgment will not stand in the way and it is open to them to seek such remedies as available to them under law.

Review Petition is allowed.

P.R.RAMAN,
Judge.

kcv.